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Government of India.
Ministry of Labour

No.LC. 262(1).
Dated New Delhi, the 13th July, 1948.

From

Rai Bahadur Sadashiva Prasad, M.A., B.L.,
Deputy Secretary to the Government of India.

To

1. All Provincial Governments and Chief Commissioner, Delhi.
2. Governments of Mysore, Gwalior, Baroda, Indore, Travancore and Cochin.
3. All-India Organisation of Industrial Employers, 28, Ferozsha Road, New Delhi.
4. Employers' Federation of India, Elphinston Building, ~~55, Girgaum Road, Bombay.~~ Churchgate Street, Bombay
5. All India Trade Union Congress, R.L. Trust Building, 55, Girgaum Road, Bombay.
6. Indian National Trade Union Congress, Congress House, Bombay
7. The Indian Federation of Labour, 30, Faiz Bazar, Delhi.
8. Members of the Conference.

Subject:- Summary of Proceedings of the Ninth Indian Labour Conference

Sir,

I am directed to enclose a copy of the provisional summary of Proceedings of the Ninth Indian Labour Conference held in New Delhi on the 19th, 20th and 21st April, 1948. Suggestions for any alteration in the provisional summary, if any, may kindly be communicated to this Ministry by the 31st July, 1948, at the latest. If no suggestion is received until then, it will be presumed that comments offer and the proceedings will be finalised as soon after the 31st July 1948 as possible.

Yours faithfully,

(SD) SADASHIVA PRASAD.

Deputy Secretary to the Government of India.

Copy with one copy of enclosure forwarded to:-

1. Chief Labour Commissioner, New Delhi.
2. Director General of Resettlement and Employment, New Delhi.
3. Director Labour Bureau.
4. Ministry of Industry and Supply/Agriculture/States.

(SD) SADASHIVA PRASAD
Deputy Secretary to the Government of India.

/True copy/

PROVISIONAL

GOVERNMENT OF INDIA
MINISTRY OF LABOUR.

Summary of the Proceedings of the Ninth Session of the Indian Labour Conference held in New Delhi from the 19th to 21st April, 1948.

A G E N D A

I. A report on labour policy and administration.

II. A survey of the present position in regard to works Committee.

III. A report on the activities of the Directorate-General of Resettlement and Employment.

IV. Action taken on previous decisions of Indian Labour Conferences and Standing Labour Committees.

V. Replies and comments of the Government of India to the Indian Labour Organisation questionnaires and reports on -

(a) wages

(i) fair wages clause in public contracts,

(ii) protection of wages.

(b) Freedom of association and protection of the right to organise.

(c) Application of the principles of the right to organise and bargain collectively, collective agreements, conciliation and arbitration, and co-operation between public authorities and employers and workers organisations.

(d) Vocational guidance.

(e) Revision of Conventions concerning the night work of women and young persons.

VI. Implementation of the Industrial Statistics Act, 1942.

II. Compulsory Provident Fund for Industrial workers.

VIII. Decasualisation of labour in main industries.

IX. Implementation of the resolution on Industrial Truce adopted at the Industries Conference held in December, 1947.

P RES E N T.

Chairman. Hon'ble Shri Jagjivan Ram,
Minister for Labour,
Government of India.

Government of India.

Delegates

1. Mr. S. Lall, C.I.E., I.C.S. Secretary, Ministry of Labour.
2. Dr. N.Das, I.C.S, Director General, Resettlement and Employment.
3. Dr. B.N. Kaul, Director, Industrial Statistics, Ministry of Industry and Supply.
4. Dr. B.R. Seth, Director of Industries and Labour, Delhi.

Advisers.

1. Mr. K.N. Subramanian, OB.E., I.C.S. Joint Secretary, Ministry of Labour.
2. Mr. S.C. Joshi, Chief Labour Commissioner.
3. Mr. W.R. Natu Economic and Statistical Advisor in the Ministry of Agriculture.

West Bengal.

1. Sree S.K. Chatterjee (Adviser), Secretary, Labour Department.
2. Sree D. Chatterjee, Deputy Labour Commissioner, (Adviser) Calcutta.

Bombay.

1. Hon'ble Shri Gulzarilal Nanda. Minister for Labour
2. Mr. N.K. Dravid (Adviser. Secretary Labour Department.
3. Mr. S.T. More, Parliamentary Secretary, Labour.

United Provinces.

Mr. T.Swaminathan, I.C.S
Secretary, Labour Department.

Madras

Mr. R.M. Sundaram,
Commissioner of Labour.

Central Province and Berar.

Mr. P.K. Sen, Labour Commissioner

Assam.

1. Mr. Purnanda Chetia, Parliamentary Secretary, Labour.
2. Mr. D.C. Das, (Adviser), Labour Secretary.

Bihar.

Mr. S.R. Bose, Deputy Commissioner of Labour and Employment

Orissa.

1. Hon'ble Shri Pabitramdhan Pradhan.
2. Mr. V. Ramanathan, I.C.S., (Adviser), Secretary to Government of Labour Department.

East Punjab.

1. Hon'ble Shri Prithvi Singh Azad
   Minister for Labour and Excise.
2. Shree M.R. Bhide (Adviser),
   Secretary, Industries and Labour Department.
3. Shree S.N. Kapoor, Director of Industries.

Hyderabad.

Mysore. Hon'ble ~~Sirmen~~ K.T. Bhashyam,
Minister for Law and Labour.

Gwalior. Hon'ble M.V. Ghule,
Minister for Home and Labour

Baroda Mr.N.B. Cama,
Deputy Director of Labour.

Indore. 1. The Hon'ble Mr. V.V. Dravid,
Minister for Labour,
2. Mr. R.S. Date (Adviser)
Director of Labour.

Travancore.

1. Mr.

2. Mr. V.K. Velayudhan, (Adviser)
State Labour Commissioner.

Kashmir.

Cochin. Mr. K. Balakrishna Menon,
Minister for Food and Education.

All India Organisation of Industrial Employers:

Delegates.

1. Seth Sakarlal Balabhai,
2. Sir Shri Ram,
3. Mr. Shanti Prasad Jain,
4. Mr. N.D. Sahukar.

Advisers.

1. Seth Chaturbhujdas Chimanlal.
2. Mr. M.H. Patel,
3. Mr. G.D. Bansal,
4. Mr. D.G. Mulherkar,

Employers' Federation of India.

Delegates

1. Sir Ardeshir Dalal.
2. Mr. N.S.V. Aiyer,
3. Mr. A.J. Elkins,

Advisers.

1. Mr. H.K. Srivastava.
2. Mr. T.S. Swaminathan,
3. Mr. Y.S. Pandit,
4

All India Trade Union Congress.

Delegates.

1. Mr. K. N. Joglekar,
2. Mr. Manek Gandhi,
3. Mr. Shibban Lal Saxena.

Advisers

1. Mrs. Shanta Mukherjee,
2. Mr K.S. Pitkar
3. Mr. Jatin Chakravarthy.

Indian National Trade Union Congress

Delegates.

1. Dr. Mrs. Maitreyee Bose,
2. Mr. S.R. Vasavada,
3. Shri Shantilal H. Shah.

Advisers

1. Shri Ramananda Das,
2. Suraj Prasad Awasthi
3. P.R.K. Sarma.

Indian Federation of Labour

Delegates.

1. Prof. G.D. Parik
2. Mr. P. Venkat Ra

Advisers.

1. Mr. K.S. Shetty,
2. Mr. G.B. Sukhee.

Independent Employers.

Delegates

Mr. N.S. Kajrolkar
Vice President, Butter Manufacturers' Association, 112, Meadows St., Bombay

Independent Workers.

Delegates.

1. Prof. N.G. R
2. Mr. Jaipal S[illegible],
   Adidibasi Mahasabha, Ranchi.

Advisers.

Mr. V.R. Changole,
Nagpur Dt. Leather Industrial Co-operative Society Ltd., Itwari, Nagpur.

The following is the text of Chairman's speech:-

I have great pleasure in welcoming you all to the nineth Session of the Indian Labour Conference. Since we last met our country has achieved its freedom after a long period of bondage, but the birth of

have seen some of the worst tragedies. The country had hardly recovered from disturbances and dislocations following its partition, when an unprecedented national catastrophe evertook us in the death of our saviour, the Father of the Indian Nation, in circumstances so tragic and astounding. To his sacred memory let us pay our pectful homage and pray that his Divine spirit may guide our path in the difficult times that lie ahead.

The Indian Labour Conference was the first tripartite organisation to be set up in the country. We have now gained wider experience of the working of tripartite machinery and the tendency will be to extend its scope and functions. We have already set up tripartite Industrial Committees for coal, cotton textiles, and plantations. We hope shortly to set up similar Committees for jute, cement, tanning and leather, but the most important development of tripartite machinery will be in connection with the implementation of the Industrial Truce Resolution, to which I shall presently refer.

It is the normal procedure for the Minister of Labour at each session of the Indian Labour Conference to review the whole field of labour administration, to recapitulate what has been done in the past year and to indicate in outline what is hoped to be achieved during the forthcoming year. This is now hardly necessary because I have already reviewed on more than one occasion our past work and future programme. I shall therefore break away from tradition and concentrate on the question of industrial truce which I consider to be of supreme and overriding importance.

The resolution on industrial truce adopted at the Industries Conference in December last is a tribute to patriotism and constructive effort. It is an evidence of your anxiety to help in tiding over the present crisis But its implementation is yet to come. It will demand your most earnest endeavour, sacrifice, restraint and th spirit of adjustment and accommdation which is an indispensable condition of compromise and conciliation. It will be the test of our patriotism and of our capacity to rise to the occasion. The implementation of the truce must be accorded top priority in our national programme and I most earnestly appeal to you all to do your utmost to make it a reality. So far as the Government are concerned, I would like to give the assurance that we shall spare no effort to fulfil each and every obligation that is imposed upon us.

When the Industrial Truce Resolution was adopted by the Industries Conference, I felt that a new era had dawned liquidation of all forms of exploitation of fields, factories and elsewhere.

When I view existing economic conditions I often feel temted, in the words of Omar Khayyam, "to grasp this sorry scheme of things entire, shatter it to bits - and then remould it nearer to the hearts desire -" But this is not always practicable and I might be destroying much that is worthy of preservation. To expect radical and revolutionary change overnight is a method only of violent revolution. I am opposed to violence and I would prefer to achieve my objective with the co-operation of all parties. It is for this reason that I prefer the path of co-operation rather than the path of revo

lution. I am also confident that in tripartite discussion each party will in time lose its angularities and adjust itself to the common interest of all. The Industrial Truce Resolution veritably marks a new era in the history of our country. If implemented, it will bring about a bloodless economic revolution.

The tripartite machinery which is proposed to be set up for the implementation of the Industrial Truce Resolution will function at various levels - the Centre, the Regions and the Units. The details of this machinery will, I hope, receive your careful consideration. In this connection I should like to acknowledge that the tripartite machinery which we are setting up in India owes much to the International Labour Organisation, which was set up after the First World War. Infact, the tripartite principle was first embodied in that organisation. In October last a preparatory Asian Regional Conference was held in Delhi under the auspices of the Indian Labour Organisation and this gave us an opportunity of observing the working of the tripartite machinery in the international sphere. I am sure that all those who attended this Conference, the first of its kind in Asia, will agree with me that it played an important part in creating a healthy desire and the determination in Asian countries to improve social standards. In this respect India is not lagging behind. On the contrary, she is well in advance of most Asian countries in her labour legislation and labour administration. This position she has been able to attain as a result of the continuous effort of the recent years during which important measures such as the Minimum Wages Act, the Employees' State Insurance Act, the Trade Union Amendment Act and many others have come on the Statute Book. I am hoping that in this respect this ancient land of ours will set an example which will be followed by other Asian countries.

Labour Legislation and labour administration have not received adequate attention except in recent years. The sudden increase of activity has involved very heavy strain on the Ministry of Labour in the Government of India and also on Provincial Governments. Labour, as you are aware, is a 'Concurrent' subject and many aspects of labour problems fall within the Provincial sphere. Let me here pay a tribute to the able manner in which Provincial Governments have handled their labour problems which often have been as complex as any we had to deal with at the Central. It is by the co-ordinated tackling of the problems, both at the Centre and in the Provinces, that industrial peace can achieved. I have no hesitation in saying that Provinces are now becoming increasingly vigilant in the due enforcement of labour laws, although the need for economy so obvious in these days has not permitted some of them to maintain as large a staff as they would have wished.

The problem of bringing up the administrative arrangement to the required level will be discussed at the forthcoming meeting of Labour Ministers and we hope to to devise means which will ensure that labour laws shall be adequately enforced. In the past, Indian States, generally speaking, were lagging behind in Labour administration. With merger and the integration of States there should be a great improvement. I am glad to acknowledge the whole-hearted co-operation which we have received from the more advanced States. In the changed circumstances, it will be easier for Indian States as a whole to join hands with the Provinces in the development of social policy.

I do not propose to detain you much longer. You

have before you a heavy agenda. The notes which have been forwarded to you will show in detail the rough programme of work chalked out for the coming year which we on this side feel confident we can tackle with your continued co-opertion and good-will. Before concluding I would like to refer to one other matter. I have heard it occasionally said that Government is siding with labour or that it is siding with management. The fact of the matter is that it has to act in the common interest and to the common good. Let me assure my friends on both sides that if they respond to the needs of the country and observe the industrial truce, both in letter and in spirit, they will have no cause of complaint and will be helping their own interests as well as promoting, the well-being of the country

Mr. S.P. Jain pointed out at the outset that substantial changes were made in the case of Labour Legislation agreed to at the Indian Labour Conference, at the last stage in the Legislature without the consent of the Indian Labour Conference and cited as an instance the Workmen's State Insurance Act. He stressed that the Government of India should see to it that the recommendations of the Indian Labour Conference are not changed by the Legislature when the Bill comes up for consideration.

The Chairman pointed out that his point could be suitably discussed under item I of the agenda. It was agreed after some discussion that items 1, 5 & 7 on the agenda should be discussed first and finished on the first day and thereafter item 9 taken up.

The Chairman suggested that ~~it would~~ be better if one representative of each organisation spoke on one subject.

Item I. - Report on Labour Policy and administration.

Mr. Jain referred to the arrangement by which Government placed before the Indian Labour Conference all Labour enactments which it had in view and obtained the consent and the views of the Conference before they were presented to the Legislature and passed into Acts and pointed out that in the case of the Workmen's State Insurance Act several importante changes had been made without the consent of the conference. He felt that if that was the position it was no use discussing matters at the Indian Labour Conference. Drawing attention to the Factories Act, he said that although it was agreed at the Conference that the workers would get only 7 days holidays, ten holidays were accepted in the Legislature. He stressed that once the Conference reached certain decisions on proposed enactments, there should be no change thereafter in the main features of the proposed bill. Continuing Mr. Jain said that although it was accepted at the Conference that for the sake of uniformity legislation should be on an All-India basis, the Provincial Governments had been introducing measures ~~of~~ on important things and deviating from the legislation enacted by the Centre. He drew attention to the Industrial Disputes Act and pointed out that Provincial Governments were proceeding as they liked and thought that that was highly undesirable.

Mrs. S. Mukerjee felt it would have been better if the Conference had been given a chance to have a discussion on ~~pre~~ the proposed amendments to the Factori

Bill. She opposed the idea of giving to the Provincial Governments powers of exempting certain factories from the provisions of the new Bill and urged that the question of emergency must be decided not only by Government but by some other agencies as well. She was anxious to know whether Government were going to accept the suggestions of the All India Trade Union Congress. She was of the opinion that there should be a provision in the Bill to make it necessary before an Industries was organised to see that that industry would be able to secure amenities for the welfare of workers, like housing. She also stressed that the minimum age of employment should be raised to 15 as against 13 as proposed and that the chapter on amenities to workers engaged in continuous process factories should be reconsidered.

The Chairman explained that the opinions of all would be placed before the Select Committee for their consideration.

Mrs. Mukerjee. felt that the figure of only 20 inspectors who were trained was too small for the whole country and hoped that the Government would have an adequate number of trained Inspectors soon. She wanted to have annual reports on all the schemes of Government. Pointing out that the annual reports of the Chief Inspectors of factories were not being received regularly she requested the Government to print them regulalry in future and wanted to make suggestions regarding their improvement. She wanted to know the views of the Government on the amendment to the Indian Mines Act suggested by the All India Trade Union Congress. She felt that there had been considerable delay in building houses for coalminers and wanted to know how Government were going to get over the difficulties. She felt that it would have been better if actual figures regarding welfare centres for women, the schemes as chalked out and the number of pithead baths constructed, were given in the Report circulated. She requested Government to expedite the issue of the questionnaire on agricultural labour. She suggested that the framing of rules relating to the Employers' State Insurance Act, 1948, should be finalised within a period of 4 months. She suggested that the Payment of Wages Act should be extended to Mica Mines and to Transport services like trams and bus services and that workers' Organisations should be associated with the expenditure of the fund left as surplus under the War Injuries Compensation Scheme. She wanted to know the number of canteens established in industrial undertakings and the actual progress made in the implementation of the Central Pay Commission's recommendations. She suggested that in order to have proper co-ordination the representatives of the Tripartite Organisation should be included in the Industrial Committees in the same way as the International Labour Organisation is represented on the Industrial Committees and that in every legislation a section should be added making it obligatory on Government to make a report to the Legislature every year as was done in England.

Prof. Shibban Lal Saxena stated that the Provincial Governments were not properly implementing legislation regarding industrial peace. He drew particular attention to the case of the United Provinces and said that although the Industrial Disputes Act laid down how Conciliation Boards and Works Committees should be formed, the Provincial Government had mullified all those provisions in the case of the Sugar Industry. He also took exception to the manner in which recognition was being given to Trade Unions and quoted certain facts and figures in support of his claim that it was not always the most representative Union which got recognition from the Provincial Government. He alleged that the Provincial by the workers as their representatives. Drawing attention to the condition that the representatives of the employees on the Works Committee would have to be

appointed by the Trade Union affiliated to the recognised Federation, he pointed out that a referendum in the United Provinces had revealed that 1,400 workers were on the other side while only 200 were in the Union affiliated to the reorganised Federation and thus the representatives of only 200 workers were made to represent 1,400 workers. He felt that if these things were allowed to continue the Works Committees instead of promoting peace would only promote disputes. He read a clause from an agreement reached between the United Provinces Government, the Indian Sugar Syndicate and the United Provinces and Bihar Sugar Mill Worker's Federation and drew attention to the fact that even in the matter of bonus which was given in consultation with the United Provinces and Bihar Sugar Mill Workers' Federation, Gwaltoli, Kanpur, a circular was issued that unless Re. 1/- was deducted from the worker for the Federation the bonus would not be paid. Moreover, no union or person disowning allegiance to the Federation would have a representative on the Works Committees. He pointed out that the same was the case in Bengal. He concluded by saying that if industrial peace was to be maintained, Government must be absolutely impartial and leave the workers to have their own organisations and to choose their own people without any sort of pressure

Shri Vasavda drew attention to the existing provisions of the Payment of Wages Act and apart from the delay in the legal processes under it referred to certain other difficulties as well. He pointed out that recently certain awards had been given which were not covered by the Act and the workers had no remedy against the recalcitrant employer when he refused to carry out the award. He suggested that the awards should be covered by the Act so that there might be some remedy. He also suggested that all the Labour Officers employed by the various Departmentments of the Government of India should be under the Ministry of Labour so that a uniform labour policy could be followed by those officers. He thought it was high time that greater attention was paid to agricultural workers. Referring to the Trade Unions (Amendment) Act, he said the employer was required in certain cases to recognised more than one Union which might lead to chaos. He suggested that the recognition clause should be suitably amended so as to provide that the largest Union in the industry could be recognised by the employers. Referring to the inclusion of holidays with pay clause in the Factories Act, he pointed out that in some parts of the country it was found very difficult to avail of that amendment and suggested that the clause should be very clearly worded so that there might not be any loophole regarding its interpretation in future and that the rule regarding payment should also be very clearly defined this great difficulty had been/~~expressed~~ experienced mainly by the piece workers whose wages differed from wage period to wage period. He opposed the idea of including holidays and Sundays in the ten days leave with pay and stressed that the leave should be for clear 10 days. Referring to the Fines Fund created under the Payment of Wages Act, he suggested that the Fund should be utilized for the workers with the advice of the Chief Inspector of Factories but the workers' representatives should also be associated in the matter of advising the employer. He drew attention to the delays that took place as a result of the employers' tendency on some pretext or the other to have recourse to civil law in matters of payment of bonus etc. even after awards were given by Adjudicators or Arbitrators Court and requested the Government to provide the workers with a mchinery which may not be/~~distubred~~ disturbed by resort to other machineries, established under the civil law.

He was of the opinion that the Factory Ins-

pectorate was very inadequate and suggested that the number of Factory Inspectors should be increased. They should be given proper training and certain forms shouldbe prepared to be filled in at the time of their inspection so that there might not be any omission with regard to any clause of the Act. He felt dwlr that if the machinery on Industrial Relations had been more alive, the number of disputes would have been less.

Mr. Rammananda Das suggested that Government should speed up proper legislation for the amelioration of the condition of agricultural workers and remarked that steps so far taken by Government were not enough. Drawing attenion to the conditions of workers in the tannery and leather industry, he stressed that a tripartite machinery should be set up for taking steps to improve them and to enact proper legislation. Referring to the bad condition of hospital workers who were not covered by the Industrial Disputes Act and whose case was still pending in the High court, he felt that steps for enacting proper legislation appeared to be called for.

The Hon'ble Shri K.T. Bhashyam congratulated the Chairman on the enunciation of the policy that labour should be treated as an/~~honrable~~ partner in the production of national wealth and in the rendering of national services. He suggested that it would be better if Government could insist on only one association for every undertaking being recognized and pointed out that that experiment was tried in Mysore. He stressed that there should be a uniform procedure in all Provinces and States which would enable all the awards to be implemented without much ado. He felt it was very desirable and necessary that uniformity should be maintained in the Employers' State Insurance Bill. He agreed with Mr. Vasavada that the Labour Officers should be under the direct control of the Government and suggested that considering the dearth of good personnel Government should start some training centres for Labour Officers. He hoped that the Works Committees and Production Committees would minimise the delays which occurred in conciliation negotiation and arbitration proceedings. He suggested that with a view to educating labour in their responsibilities, Government Labour Publication Department should issue pamphlets in simple vernacular stating their responsibilities, setting out their right and suggesting peaceful resolution of their disputes etc. and that reliable labour statistics for the whole country particularly those relating to employment, unemployment, attendance, absenteeism, wages earnings, should be maintained and exchanged. He urged that the question of old age pensions and unemployment insurance should be tackled immediately and, as a first step to that——— the waiting lists of labour exchanges should be paid something, the burden being shared by the Employers and the Government. He pointed out that the question of plantation labour was being tackled in Mysore while that of Agricultural Labour required immediate attention. He urged that the Employment Exchanges should be made permanent.

Mr. Dravid (Indore) agreed that the new Factories Bill was quite satisfactory but pointed out that the for the proper enforcement of the Act, it was very important that the staff of the Factory Inspectorate should be increased and steps should be taken for the proper training of the Inspectors and financial difficulties, if any, would be surmounted. Drawing attention to the bad conditions of labour in the Mica Mines in Udaipur, he stressed that the Central Government should take suitable steps to improve matters there. He felt that the drawing up of a Questionnaire and the collection of ~~data~~ data relating to agricultural labour on scientific lines would take long. He therefore, suggested that an ad hoc scheme should be drawn up immediately. The Questionnaire could be issued to the Provinces and States simultaneously and

material collected and then long range perment schemes could be drawn up but something in the mature of immediate relief should be taken in hand immediately. As regards housing, he proposed that difficulties regarding non-availability of building materials could be got over by building cottage and that the Central Government should lend their help to the Provincial and States Governments where they were convinced that the schemes drawn up by the Provinces were worth trying. He was of the opinion that the recognition of more than one more than one Union would lead to chaos and suggested that it would be possible for all Governments to adopt one uniform measure, with local modifications, on the lines of the Bombay Industrial Relations Act. He was opposed to the idea of utilizing money in research and training from the accumulated funds in the Workmen's Compensation Insurance and suggested that for those purposes industry should come forward with their own contribution. He thought that the suggestion that all Labour Officers should be placed under the Central Government would mean excessive Centralisation and suggested that instead of being under separate units, the Labour Officers could be placed under the various Associations like the Millowners' Association Etc. He stressed the need for the Welfare Officers' training so that they could have some sort of professional etiquitte which should be a sufficient safeguard against evil practices. He suggested that all Labour Welfare Funds should be administered centrally and not unitwise because otherwise there would not be any control over the utilization of the funds.

He strongly supported Mr. Bhashyam's suggestion that all the periodicals and publications of the Labour Bureau should be published in Hindi and other vernacular languages so that the lower ranks could know how their affairs were really being ø governed and handled. He hoped that it should be possible to make an immediate beginning regarding collection of statistics under the Industrial Statistics Act and that steps would be taken to avoid the time lag between the publication of the statistics and the period to which they related.

Mr. Ram Chandra Shetty (Indian Federation of Labour) felt that the legislative measures taken and the ~~officer~~ other activities in 1947 were quite inadequate. Referring to the sickness Insurance Bill and the Factories Amendment Bill and the 48 hours week, he expressed the opinion that they had become out-dated by the time they became law. He stressed that a well-planned labour policy like the Industrial Policy, should have been formulated and that schemes for suitably employing ø unemployed men should be evolved. He regretted the lack of co-ordinated planning to harness the country's ~~volath~~. He refuted the allegation that labour was responsible for fall in production. He pointed out that the Mysore Government were very slow in regard to their Legislative measures which were extremely inadequate and argued that but for the slow action of that Government many strikes could be averted. He criticised the circular issued by that Government to the effect that no labour Union could affiliate itself to any of the All-India Organisations without the previous sanction of the Mysore Government, as depriving workers of freedom of association.

Mr. K. Balkrishanan Menon (Cochin) expressed the opinion that while Labour Legislation would considerably help labour, should be supplemented by the bargaining capacity of labour as a whole which implied that there should be complete unity among the labourers. He, however, felt that that was entirely wanting. He insisted that every member belonging to an Industrial concern should necessarily become a member of one particular organisation in which, as was the case in England, no outsider should have any place [illegible]

wing attention to the two separate Unions in Sitaram Mills in Cochin, he pointed out that practically speaking no member belonging to either of the Unions had any freedom and any one leaving one of the Unions and joinging the other would have to do so at the risk of his life. He concluded by saying that labourers should be properly educated so that they could be politcally minded and after that it should be left to them to join whichever party they liked.

Mr. Jatin Chakravarthy argued that it would be very difficult to have industrial truce in West Bengal unless the Provincial Government changed their week-kneed - pro-employer policy. He urged that under the Industrial Disputes Act any employer not found to be implementing the awards of the Tribunals should be prosecuted and strongly criticised the West Bengal Government for sitting tight inspite of the fact that the prosecution of employers had been recommended by the Labour Directorate in three concrete cases. Referring to a Tripartite Conference held at Calcutta, he alleged that the employers' representative refused to sit with him and discuss the matter and the Labour Commissioner was helpless. He felt that so long as Industrial Courts were not set up in West Bengal, the Labour Directorate was entirely powerless. He hoped that the Hon'ble the Minister in charged of Labour in the Centre would try to remove the difficultues pointed out by him.

Mrs. T. Swaminathan pointed out that in the United Provinces a strike in the Sugar Mills had unusaual effects. It would put thousands of cultivators to great inconvenience and loss, and there would be no end of trouble in spite of intensive propaganda by the Federation referred to by Prof. Shibban Lal Saxena, namely, the United Provinces and Bihar Chini Mill workers Federation. Strikes could be averted mainly due to the enforcement of the recommendations of the Batia Committee and as a matter of fact, there were strikes only in 3 out of 69 Mills. He pointed out that the United Provinces Government had asked the employers of the factory at Hariana where there was a strike lasting for 6 weeks to employ substitute workers on a temporary basis so that the strikers could be reemployed when they chose to return. He also related the steps taken to fix minimum wages in the Sugar Industry and to avert another General strike in the current season and enquired whether any Government could have done anything else except to recognise the only Federation which was able to deliver the goods so far as the Sugar Industry was concerned. Referring to the contention that the United Provinces Government had ignored the Central Industrial ~~Dipsutes~~ Act and did something on their own, he explained that when a Provincial Act conflicted with a Central Act the assent of the Governor-General was required to be taken. In the case of the United Provinces Industrial Disputes Act that assent had been duly taken. Referring to the agreement entered into between the rival Federation and the Indian Sugar Syndicate regarding bonus, he pointed out such agreements but that did not mean that that received Government's recognition. He further pointed out that when it came to Government's notice that some factories were not implementing the agreement, and order was passed making it obligatory on every factory to pay the bonus to all workers, no distinction being made between the members of the rival Federation and the Federation of Professor Saxena. He refuted Mr. Avasthi's argument that Government did not act unless there was a strike notiee. Referring to the delay in adjudication proceedings, he pointed out that the United Provinces Government were trying out the experiment of a new conciliation and Adjudication machinery in which it was stipulated that no conciliation Board should take more than 10 days to come to a decision on any dispute referred to it and in cases of appeal no industrial court should take more than 10 days to decide the

appeal. He felt gratified that the United Province was the first province to take powers to take over the management of concerns if the employers were recalcitrant. He, however stated that the proposal that the Labour Officers appointed by the employers should either be under the control of the Labour Commissioner or alternatively, the employers should make the money available to Government for choosing suitable Labour Off Officers, was not found acceptable to the employers.

The Hon'ble Mr. Pradhan (Orisaa) requested the Hon'ble the Labour Minister that the Orissa Government should be represented on the colliery Committee especially in view of the fact that the collieries in Sambalpur were being administered by the Orissa Government. Drawing attention to the housing conditions of the workers in the Quarries in the new States Areas, he urged that the Central Government should press the private companies to build proper houses for their workers. He also pointed out that the private-owned collieries were not giving soaps, oils, sugar etc. to their workers inspite of the award of the Conciliation Board.

Mr. Lall referring to Mr. Jain's contention that it was not right for the Legislature to make radical changes when a matter was considered in the Ripartite Conference or the Standing Labour Committee pointed out that the Tripartite Conference was an Advisory Body whose advice was communicated to the Government, but that the difficult to prevent it from making the changes. He, however, agreed to bring prominently to the notice of the Legislature in future all points of agreements reached at Tripartite Conferences. While admitting that there was lack of uniformity and co-ordination between the Centre, the Provinces and the States, he pointed out that it was not due to any lack of desire on the part of either the Centre or the Provinces to co-ordinate and co-operate ~~the Centre or the Provinces to~~ but that it was due to the physical defects and to the delays in postal communication. The defects in the Industrial Disputes Act were being examined and the question of the revision of the Act would be taken up in due course. He explained that the Ministry of Labour's Memorandum on the Factories Bill was placed before the Standing Labour Committee and the Conference and that all points raised were borne in mind while drafting the Bill. He assured the House that all views expressed by the All India Trade Union Congress or by any other organisation would be placed before the Select Committee. He pointed out that the training of factory Inspectors was done in three ways - the first being a regular course for beginners to which a reference was made in the Report, the second refresher course and lastly memoranda on various points were being circulated to the Inspectors for their information. He, however, agreed with Mrs. Mookerjee that the number of Inspectors was small. He pointed out that the difficulties in speeding up the housing of coal-miners were that apart from the difficulty in getting coal free land, there was the difficulty of land acquisition in the Dhanbad area and in Asansol and there was also considerable opposition from the rural population who did not wish to give up their land. He explained that steps were being taken to overcome those difficulties and hoped that the progress would be better. He gave an undertaking that in future up-to-date reports regarding the progress in regard to pithead baths and other Welfare schemes would be published in the Indian Labour Gazette. He assured Mrs. Mookerjee that when any scheme regarding the unspent accumulation under the war injuries scheme would be drawn up it would be placed before the Standing Labour Committee or the Conference for being considered by them but

pointed out that the scheme was being held up because there was dispute as to whether the money was entirely available or not and how much of that should be paid to Pakistan. The various Industrial Committees set up, he said, had started functioning only recently and he hoped that some satisfactory method of co-ordinating the work of those committees either through the Standing Labour Committee only or by Special Committee of the Labour Conference would be devised. Pointing out that the delay in getting the Provincial reports on the working of the Acts was due mainly to delay in printing, he stated that he was trying to have details of all reports published in the Indian Labour Gazette as soon as they were known to Government. He further stated that attempts were being made to issue a series of pamphlets in Hindi and other suitable vernaculars and so far as the Central Government's undertakings were concerned, the Government were adopting the policy of appointing Labour officers who were selected by the Ministry of Labour and not by the Department responsible for running the Administration.

Item V Replies and Comments of the Government of India to the Indian Labour Organisation Questionnaire and Reports on it.

Mr. Gandhi referred to item V(a) (i) and felt that the Government of India's reply to question 3, subclause 2, was not satisfactory and suggested that all public contracts for supplying goods should be given only to those firms which had a general certificate of fair conditions so that all workers could get the advantage of the fair-wage clause. He urged that in the case of national emergency the fair wage clause should be suspended only after consultation with and with the agreement of the workers' organisations. Referring to Q. 13 and the reply thereto, he pleaded that the proviso put in the reply should be deleted because if at a particular place the condi tions of work fell below standard it was the Government's duty to see that those should come up to the standard. He felt that the reply to Q. 20 was a long-winded one and argued that the answer should be straight-forward and workers should get the guarantee that the contractors would pay them the proper wages and would not run away. Referring to item V(a)(ii), he urged that the word "awards" should be added to Question 3(a)(i), and that no exemption should be given regarding gratuity payable in discharge and that some time limit should be fixed within which the gratuity should be paid. He was of the opinion that no payment should be made in kind. He felt that in reply to Q. 9(b)(iii), Government should say that it would be possible to take appropriate measures to ensure the sale of goods at fairly reasonable prices. In reply to Q. 12 (a)(i) it should have been emphasized that workers should be fined only in case of grave negligence or in case of intentionally causing damage to machinery. As regards sub-clause (iii) of Q. 13, he was of the opinion that the proceeds of the fines should be used exclusively for the use of the factory concerned and not for making a general fund. The reply to Q. 14 should have been in the negative since it should be the Government's duty to see that no deduction was made for tools supplied to workers. He concluded by saying that the provisions covered by Questions 25(b), 26 and 27 should be embodied in Conventions and not Recommendations.

Mrs. Shantilal Shah said that the words "any gratuity payable on discharge otherwise than in pursuance of an award of a Court" should be substituted for the words "any gratuity payable on discharge". Since wages were being at present determined by the Wage Boards and by Arbitral Tribunals, it might be difficult to recover the wages awarded by the Tribunals if the words "under a written or unwritten contract said that a measure regarding protection wages should included a provision

that in case of manufactured goods, the wages should have priority over a mortgage debt.

Prof. N. G. Ranga referring to item v(a)(ii) relating to payment of wages in kind and All India Trade Unions Congress' remarks on Government' s reply thereto, stated that he was in favour of Government's observations viz., that payments of wages could be made in kind.

Mr. Bhashyam suggested that in the reply to part (c) of Q. 14 of the questionnaire entitled Freedom of Association and the protection of the right to organise the wording may be "conduct their activities in a peaceful and democratic manner". This was accepted.

Mr. Ghandhi said that instead of two Conventions there should be only one since the right of organisation and the protection of the right to organise were inter-linked. Moreover, although the Government of India might ratify both the Conventions, yet, since it was an Internaional matter, it would be better to have only on Convention. He expressed the opinion that the reply to Q. 3 (c) should have been categorically in the affirmative as the qualification proposed by the Government would go against the interest of the workers. He did not feel that the qualifications made in the reply to parts (a) & (b) of Q. 4 were necessary, since Trade Unions were legal organisations which worked and functioned according to the law of the land and if the qualifications were allowed to stand, different authorities would interpret them in various ways and thus put unnecessary restrictions on the Trade Unions. He also urged that the qualification given in reply to Q. 6 should go. He felt happy regarding the reply to Q. 14(a) but suggested that the "words" "political opinion" should be added.

Mr. Shantilal Shah was of the opinion that in the present political conditions it would be dangerous to allow the security services of the State like the police and the army to have the right to strike and thus paralyse the administration. He opposed Mr. Gandhi and said that the proviso given in the reply to Q. 4(b) should stand. Referring to Mr. Gandhis suggestion that in the answer to Q. 14(a) as the words "political opinions" should be added, he said that since political opinions were borrowed from foreign countries those words need not be added.

Prof. N. G. Ranga drew attention to the happenings when the police strike was organised in Burma, a similar strike in Bihar and the non-gazetted officers' strike in Madras and warned the Conference of the dire consequences that were likely to follow if Government Officials were to be given the right to strike. Referring to the functioning of organisations, he wanted the word "democracy" to be introduced there. He agreed with Government that the word "security" should stand in the reply to Q. 6 because there might be a number of International Organisations which might be interested in giving a kind of a mandate, open or secret, to their various national branches to upset the national conditions, the national security and the national peace. He was in complete agreement with the Government stand regarding responsibilities of organisations. He agreed with Mr. Bhashyam's suggestion that the word "peaceful" should be added to the reply.

Prof. Shibbanlal Saxena protested against the

government's reply to Q. 3(c) since it out at the root of the various organisations. He felt that the mere denial of the right itself might prove to be an incentive to strike. He argued that the reply should not have been given without consulting the Constituent Assembly.

The Hon'ble Mr. Nanda pointed out that if everything could be left to be governed by the common law of the land then there was no need to have a special Convention for guaranteeing certain rights of the workers. Once, however, the necessity of protecting the workers against the employers was taken for granted then it was obvious that there should be some safeguard against the abuse of those rights. Rights implied obligations and when the State was prepared to intervene on behalf of the workers, the latter in their turn should agree to subject themselves to certain restrictions. He further pointed out that all the employees of the Bombay Government in the Secretariat and in the administrative Departments had their own federations and that the Government had recognised them on the condition that there would be no strike. In cases of disputes, however, when Government could not agree with the Federations, the disputes were referred for arbitration and if Government were unable to accept the award in its entirety the matter would be referred to the Legislature whose resolution would be binding ultimately.

Seth Shankarlal Balabhai felt that the management would not receive any sort of guidance from Labour if at every stage they were to consult the Workers' Committees on questions of organisation and general conduct specially because labour was not properly educated and as such Government had not done the right thing in agreeing to the embodiment of that principle in international regulations in answer to Q. 12. He suggested that Government should withdraw their assent.

Mr. Ghandhi referred to Q. 8 the Union Security Clause and felt that if the workers in a particular city or particular industry wanted to have a "closed shop" they should be allowed to have that right. He drew attention to the fact that in America and Australia, the workers had got that particular right and urged that it would be unfair to the workers if the Government of India's reply to the question was in the negative. Referring to Government's reply to Q. 13 he conceded that Government had good reasons for not permitting them to go on strike but expressed surprise that they had no right to organise and to bargain collectively. Referring to Q. 8(b) he said that if the words "appropriate guarantees" were deleted there would be no provision for appeal and as such those words should be retained and the Government's answer should be amended suitably. Referring to Q. 4 and the reply thereto, he suggested that the period of each state of procedure should be fixed. He expressed the opinion that the Government should accept that Works Committees should be formed in all concerns where 50 or more persons were employed and that the number might be even reduced at a later stage.

The Hon'ble Mr. Bhashyam agreed with the answer given to Q. 8 and argued that those who opposed it were really restricting the right of the workers. He felt that it was better to say "it is incompatible to provide for such a restriction." He agreed with the reply to Q. 13. Referring to Q. 4 of Questionnaire III he felt that if, as suggested by Mr. Gandhi periods were fixed for different stages of the procedure, there would be further delay. He suggested that the reply to Q. 4 (a) & (b) of Questionnaire IV should be reversed since every election meant much of heat and turmoil.

Mr. Shantilal Shah referring to Q. 8 regarding union Security suggested that where Union had an approved membership of 50% and there was voluntary agreement between the Union and the employers, there might be a "closed shop" agreement between the employersand the employees: He agreed with the Government of India's answers to question 13. Referring to the question on appointment of representatives of personnel, he argued that the secret ballot method might bring in people having affiliation to different parties and as such it would be difficult to make anybody responsible for implementing the agreements reached. He, therefore, suggested that it would always be better to negotiate with the Union Having the largest membership and capable of delivering the goods.

Referring to Q. 12= obligations of Managements he pointed out that the only right asked for was for consultation and felt that it would be better if it was emphasized that the employers must come to an agreement with the Committees in order to conduct their organisation. With regard to submission of accounts, he stressed that there should have been the right to criticize them as well.

Prof. Shibbanlal Saxena pleaded instead of Union representatives being members of the Works Committees all the workers representatives should be directly elected.

Sir Ardeshir Dalal drew attention to Q. 10 (b) of Questionnaire IV and expressed the hope and it was accepted that the reply should be slightly amended so as to read as follows:

"(b) to give opinion regarding the method of engagement and dismissal of employees

Mr. N. K. Dravid (Bombay) supported Mr. Shanti Lal Shah in respect of Q. 4 and quoting from the Bombay Industrial Relations Act said that that Act gave complete guarantee that at any given time a particular Union having the largest membership was registered and was recognised as such. Dwelling upon the special merits of the Act he suggested that the system of indirect representation should be supported by the Government of India. He further suggested that the replies to Q. 4(a) & (b) should be more flexible and that it should be made clear that this would vary according to the needs of Provincial Governments.

Mr. P. K. Sen pointed out that ~~the~~ In C.P. the principle of indirect election was accepted where there were recognised Unions and that when there were several Unions none of which was recognised, a direct election was required to be held and as such as he agreed with the Bombay Government's suggestion that replies to Q. 4(a) &(b) should be more flexible.

Item V (e) --- Night work of Women and Young persons employed in ~~Infantry~~ Industry.

Mr. Bhashyam referring to Article 7 regarding special provisions for certain countries, suggested that there should be no special provisions but if any country insisted on having that it should be limited to a period of 2 & 3 years. Referring to Article 9, he suggested

that none below 16 should be permitted to work by night.

Item VII.--- Compulsory Provident Fund for Industrial Workers.

Shri Ramananda Das read out on behalf of the A.I.T.U.C. a resolution which was seconded by Mr. Vasavada recommending the adoption of a ~~scheme~~ for the institution of Provident Fund for Industrial Workers. The scheme recommended inter alia the following:-

(i) All permanent workers should be eligible for joining such scheme;

(ii) The rate of contribution should be 1/16 of the salary with an equal amount contributed by the employer;

(iii) The administration of the fund should be on a unified basis either regional or industrywise or both as may be suitable;

(iv) The scheme should cover all industrial workers employed in a factory or other establishment employing more than 10 persons;

(v) The question of linking up a scheme of insurance with such fund may be investigated;

(vi) Employees' representatives should be effectively associated with the administration of the fund as trustees or as members of the Committee as the case may be;

(vii) The employer's contribution to the Fund should be payable in full to the employees in case of death or retrenchment and in case of voluntary retirement after a minimum period of 5 years' service; and

(viii) The lapsed, forfeited or unclaimed portion of such fund should be transferred to the Workers Welfare Trust Fund.

The Chairman pointed out that until this item had been considered, it would not be in order to move a Resolution and that there could be a Resolution only if it was unanimous.

Mr. Shantilal Shah pointed out that the proposed Resolution was only an answer to the points (a) to (c) of the memorandum on the subject and these could be discussed.

Mr. Vasavada insisted that the Government should take up an insurance scheme when circumstances permitted them to do so. He said that the compulsory Provident Fund scheme should be started as soon as possible and all permanent workers should be given the benefit of that scheme, every worker who had put in three months' service being considered permanent. While suggesting that the minimum contribution should be at the rate of one anna per rupee, he hoped that those liberal employers who were contributing at the rate of 1/10 or 1/12 of wages would continue to do so. He said that the administration of the Fund should not be left for all time to the units but only for a stipulated period and thereafter it should be administered on a national basis and that the scheme should cover all establishments employing more than 10

workers. He further stated that the question of linking it up with a compulsory insurance scheme should be investigated and the report of Government placed before the Standing Committee at an early date.

Sir Ardeshir Dalal said that considering the none too flourishing condition of industry in general at present, it might not be possible for all to introduce the scheme. He felt that is if Government were not willing to bear a share of the burden themselves, the industry could also say so. He agreed that those industries which could afford should have a Provident Fund. He, however, felt that it was not the proper time to introduce a complusory Provident Fund Scheme. If the Scheme was to be introduced it should be by units only since conditions of different units even in a single industry differed considerably.

Mr. Pitkar stressed that the Ministry of Labour should set up some machinery or entrust the work to certain persons who should frame a detailed scheme for discussion at the adoption by a proper body. He did not think that the rate of contribution was of vital importance but that the question when an employee could join the Fund was important and suggested that 23 days' work in 3 months time should make a worker eligible for membership. The administration of the Fund should be on a national basis but unless and until that machinery was formed it should be left to units or Provincial organisations.

Mr. D. C. Dass suggested that the scheme should include plantation workers.

The Hon'ble Shri Gulzarilal Nanda pointed out that at the Standing Labour Committee the employers' representatives argued that the scheme might be too burdensome for the industry and that the main controversery ranged about the question of administration of the Fund. There was some difference of opinion regarding the rate of contribution, which however was not serious and it appeared that there was practically agreement regarding the desirability of proceeding with the matter. The question of exemption was also discussed but no clear decision was reached. He personally felt that the question of industry being able ~~to~~ organisation was only one of administrative convenience.

(to support the scheme had not much force in it. The question of)

Mr. S. K. Chatterjee fully supported the scheme and pointed out that in West Bengal the labourers' organisations had already put in demand for provident fund before the tribunals. He suggested that if it was considered premature to enforce a compulsory provident Fund scheme in respect of all the Factories a start might be made with the bigger factories. He agreed with the A.I.T.U.C. that it would be better to administer the Fund unit-wise to start with.

The Hon'ble Mr. Nanda pointed out that in every case of dispute there was a demand for provident fund and as such the question should be dealt with on a uniform basis.

Mr. N. S. Kajrolkar supported the resolution moved by the A.I.T.U.C. and felt that every good employer should welcome such schemes.

Prof. N. G. Ranga pleaded with the employers that the scheme would be in their own interest as also in the interest of the country because the scheme would reduce absenteeism, increase production and create satisfaction among the workers thereby promoting industrial peace. He suggested that Government should devise a scheme by which a certain proportion of the responsibility of the administration of the fund would devolve upon the unit itself and the remainder upon the whole of the industry in that particular region or on the wholecountry. Referring to Sri Ardeshir Dalal's remark that the State was not willing to make its contribution, he argued that it was only right that industry which was making so much profit should make greater contribution than it was doing so far. He felt that the inefficient units which would not be able to bear the burden should go.

The Hon'ble Shri Pradhan said that the industry in Orissa was in initial stages and as such the qualifying period for membership should be widened.

Mr. P. K. Sen pointed out that the Central Province Government accepted the scheme and that they were in general agreement with the I.N.T.U.C. but they did not agree with them that it should be applicable to all factories employing ten or more persons. Inview of the fact that 75% of the factories in Central Province were seasonal, he suggested that the Government of India should ~~make under the scheme~~ a list of all the important organised industries which should come under the scheme or they might leave the matter to the Industrial Tribunals of the provinces concerned. He also suggested that the employers' Contribution should be on a sliding scale.

The Chairman pointed out that a compulsory Provident Fund scheme had been started in the coal fields of Bihar, Bengal and Central Province where labour was mostly casual and that if the scheme was successful it would not be difficult to introduce it in other industries as well. That might take about six months. In the meantime he would ask the Ministry of Labour to prepare a comprehensive scheme for other industrial workers and that he would expect the employers to persuade their other colleagues to reconcile themselves to the idea.

Item IX - - - Implementation of the resolution on Industrial Truce.

Initiating the discussion Mr. Lall said that the points which arose were

(i) whether the machinery suggested by the Central Government was suitable or there were any other suggestions.

(ii) If the machinery was to be set up, how should it be co-ordinated with the existing machinery consisting of the Labour Conference, the Standing Labour Committee and the Industrial Committees which had been set up. While inviting the members to make suggestions for implementing the Resolution, he pointed out that it would be impossible to arrive at agreed conclusions in the Conference but Government would have to set up a machinery to examine the suggestions made and thereafter to set up the machinery for the working of the Truce as

speedily as possible. Explaining the significance of the Resolution, he appealed to the members to avoid anything that might create heat or bitterness and any recrimination for past actions but to look only to the future.

Dr. Vaikunth suggested that there should be Tripartite Vigilance Committees in each factory, one Vigilance Committee in each Province at the Centre which should be able to "smell" causes of trouble even before trouble actually started. These committees should also watch the Production Committees and Works Committees to see to it that the agreements reached were implemented both in the letter and in the spirit by all the parties or otherwise find out ways and means for carrying them out; look after housing canteens and other amenities as also Worker's recreation. He said that a Committee should be set up as soon as possible to report on the question of fair wages but suggested that the conclusions reached should not be raised to the Press immediately but also implemented side by side so that there might not be any cause for strikes due to non-implementation of the decisions by some concerns.

Mr. Elkins drawing attention to the clause dealing with the resolution of industrial disputes pointed out that although the intention of the Central Government appeared to be that Adjudication should be resorted to only in the last resort, the West Bengal Government was playing with it on every possible occasion. Referring to the dearth of competent and experience men whose awards would build up a soundbody of case law dealing with Industrial Disputes, he expressed the opinion that most of the Adjudicators appeared to think that their first duty was to arrive at a compromise rather than to base their awards on what justice or the economic background dictated. He urged that high power Industrial Tribunals should be set up not only to deal with important disputes but also to act as Courts of Appeal against dangerous decisions of the ad hoc tribunals and that the appointments of assessors should be made obligatory in future. As regards the machinery for the study and determination of fair wages and conditions of labour and of fair remuneration for capital, he urged that those matters would have to be considered against the background of hard reality, namely, inflation, sellers' market etc. and warned that industry should not be overburdened in such a manner that it could be outpaced by internal and external competitors. He assured the House that he would do his best to help the Works Committees to function satisfactorily. He wanted the Government to give some clear indication regarding their needs or housing and argued that many projects of the employers were delayed in their execution either because of a complete uncertainty as to Government's policy or because no priority was accorded to employers or their contractors to secure the necessary materials.

Mr. Bose welcoming the Truce Resolution, read the following resolutions of the I.N.T.U.C. urging upon the Government:-

(i) To undertake further legislation for the solution of Industrial Disputes on the lines of the Bombay Industrial Relations Act particularly in relation to Works Committees, Wage Boards and methods of conciliation and arbitration;

(ii) To provide for the determination of the minimum and fair wages and sharing of profits and regulating conditions of labour through Central and Regional Wage Boards for industries in general and for particular industries;

(iii) To announce within a period not exceeding one month clear and definite principles governing the extent and method of participation by the workers in the profits of industry and to take steps for the implementation thereof.

He recommended the following method for ascertaining the fair share of labour and capital in such profits.

(i) The Managing Agents' commission should not exceed Rs. 50,000 in any year.

(ii) Depreciation should be allowed on the basis accepted by the Income Tax Authorities.

(iii) After the net profits are ascertained on the usual basis modified as mentioned above, a return varying from 3% to 5% may be permitted on the paid up capital plus one half of present and future reserves provided that the maximum return does not exceed 7½%. per on paid up capital and half of existing reserves. The surplus should be shared equally between labour and capital which be paid partly in cash and partly in the form of schemes of social welfare in the case of labour and industrial improvement in the case of capital.

The profit sharing scheme should be made applicable to profits declared and distributable after 1st January 1948.

(4) To undertake construction of houses and avoid the delay which is causing grave concern and unrest among industrial labour, the Conference urges the Government to carry reassure the workers of its anxiety to carry out the housing programme with utmost despatch and lay down stages for its completion.

Referring to the Departments directly managed by the Central Government and particulalry to the Ordinance factories in Bengal, she alleged that beneficient orders were usually kept by the Superintendents in their pockets and issued only when there was a threat of strike or some trouble. She urged that the Government should control such Superintendents. She also pointed out that delay, retrenchment and down-grading of people were causing considerable unrest and that the employers' mis-interpretation and non-implementation of awards were also impeding industrial truce. Referring to the proposed Advisory Committees, she urged that there should be Wage Boards which should be tripartite bodies with executive power. She pleaded that there should be some legislation by which recalcitrant employers not implementing the awards could be punished in an exampolary manner.

Shri Gopalala Panikar pointed out that the question of profit-sharing was considered at a Tripartite Conference held in Travancore in which the employers opposed it but were willing to pay a lump sum bonus to workers. The whole question should be discussed after second Tripartite Conference soon. He further pointed out that an Industrial Relations Committee consisting of an equal number of representatives of workers and employers and constituted in the State in order to stabilize friendly relations between labour and capital and that they were functioning on the principle of self-Government in industry. He felt there would be no difficulty in implementing the Resolution in the State.

Shri Bhashyam suggested that the conditions of agricultural labour should be made more attractive so

that the acuteness of the problem of Industrial Labour might be lessened and the tension in industrial areas might be removed. Referring to the rivalry among the Unions, he suggested that one way of getting over the trouble would be to have only one Association for every undertaking. He further suggested that there should be reginal Wage Boards industrywise for settling what fair wages should be paid. He stressed that the employers should take labour into confidence and give them a place in management and in maintaining the accounts and sharing the profits. He felt that one of the causes of industrial unrest was lack of education of workers and urged that proper steps should be taken to educate them. The employers would have also to be educated to look upon labour with more kindliness and to adjust themselves to the changing times. He requested Government to take up the construction of houses immediately and instead of going in for granite walls etc., he suggested that cheap houses with sufficient accommodation and sanitary arrangements should be attempted. He pleaded that Government should have power to take over those concerns in which the employers failed to implement the awards.

Mr. P. K. Sen pointed out that at a meeting of the Central Provinces Labour Advisory Committee held on the 3rd January, 1948, to consider the Resolution, the Labour representatives contented that it was not binding on them but agreed that it was a move in the right direction. He then read out the resolutions passed at that meeting and stated that several Sub-Committee's had started functioning and that a general minimum wage for unskilled workers in miscellaneous industries and for the common labourer in unqualified agricultural labour had been proposed. He further pointed out that methods of improving the existing conciliation and adjudication machinery had been proposed. As regards housing, he stated that the workers had been asked to build their own houses in laid out plots allocated by Government with assistance by which way of loans either from the employers or from the Government. He refuted the charge that the provincial Governments were to blame for delays in settling disputes and pointed out that the truce Resolution could not be implemented because the employers and the employees were claiming their rights and closing down their shops or resorting to strikes. While agreement generally with the machinery proposed by the Government of India, he claimed for the Provincial Governments that there should be some flexibility and latitude for setting up a machinery or constitution. He stated that the Provincial Advisory Committee were interested, in speedier settlement of the Minimum Wage than provided for in the Minimum Wages Act. He explained that on the question of profitsharing, his Province would like to go slow and to examine what would be new commitments and burdens on the Industry and that maximum relief could be given to workers by way of wages and amenities. Considering the different degree of industrial development in the different provinces, he asked for a certain amount of latitude and freedom in the case of his Province to modify the details of the machinery proposed. He accepted in principle the proposals of the I.N.T.U.C. but could not accept the proposals of the I.N.T.U.C. as such without reference to and discussion at the Provincial Advisory Boards.

Mr. Joglekar felt that the purpose of the Resolution had not been taken into proper consideration. He argued that the immediate objective was how the social and economic crisis could be successfully met. He stressed

that it was a question of social planning not only of production but also of distribution.. He regretted that the A.I.T.U.C's criticisms had been misunderstood as fomenting strikes. He said that steps would have to be taken to see to it that the condition of the people did not deteriorate, and as such the pre-requisite to make the Resolution effective was that immediate to steps should be taken to see that prices did not rise and commodities did not become scarce. He argued that while employers were being favoured, the workers genuine efforts were being described as mischievous. He urged that Government would have simultaneously take steps to assure guranteed wage conditions and guaranteed price levels and, to take the workers into confidence. He felt that a declaration from Government creating confidence in the minds of the workers that Government wanted to do something for them should come out immediately. Like the declaration of its economic policy after wage declaration should come immediately. He suggested that the first necessity for the scheme was that a committee of experts, representative of workers and employers, must immediately be appointed should declare what would be the fair wage for workers and fair return to capital. He did not ~~faour~~ any profit-sharing since production should be for use and not for profits but demanded that the workers should have proper living conditions. He also suggested that the proposed Central Advisory Committee should be formed on a strictly tripartite basis and the stability of personnel should be ensured. The same should be the case with National Sub-Committees. Below the Central Advisory Committee and National Sub-Committees, there should be the Provincial Committees to stipulate production. He pleaded that with a view to avoiding friction, the Production Committees and the Works Committees must be the same, since that alone would create the necessity confidence and ~~mutual~~ mutual trust. Drawing attention to the divisions obtaining among the Unions, he suggested that it would be better if all the workers were asked to elect their Works Committees and agreed that the secret ballot method of election would be the best method. Refuting the allegations that the A.I.T.U.C. was a communist organisation he made it clear that it was a broad class organisation based on fully democratic principles. He pointed out that although the A.I.T.U.C. was anxious for increased production, the means envisaged by the Industrial achieve the objective.

(Truce Resolution were, according to them not adequate 6)

Mr. S. K. Chatterjee pointed out that apart from taking action under the Industrial Disputes Act, the West Bengal had constituted the Provincial Labour Advisory Board under a directive issued by the Government of India. Steps were being taken to set up Works Committees by secret ballot and Works Committees had been already established in twelve establishments. He suggested that instead of multiplying the proposed Committees it would be better if the Works Committees functioned also as Unit Production Committees in the individual concerns and that they should be bipartite. He further suggested that the Provincial Tripartite Committees should be established industry-wise and that the Centre should also follow the same policy. Instead of multiplying the number of Advisory Boards and Committees, the Standing Labour Committee could function as the Central-Provincial Labour Advisory Board with a few additional representatives e.g., a few representatives of the general body of consumers and one or two Government Officials from the sister Departments e.g. the Ministry of Industry and Supply, could also be there. He stressed that it was necessary to decide the principles upon

which the fair remuneration to capital should be determined and that the risk involved in running an industry, past losses, etc., would have to be kept in mind so as to attract capital to business. He felt that factors like retrenchment of personnel, voilence by workers "go slow" tactics of workers, non-implementation of awards lightning strikes and lockouts which were embittering the relations between Capital and Labour should be removed as far as possible. He concluded by saying that even in the case of non-public utility concerns, the workers or the employers should give previous notice of a certain number of days of an intended strike or lockout and that the Government of India should arrive at some decision regarding the principles by which the capital and the recurring cost of housing should be apportioned between the Government, the employers and the workmen.

Mr. S. R. Vasavada felt that the Advisory Committees on various items suggested by the Government of India would be useful for purposes other than determination of a fair wage and a fair return to capital and suggested that fair Wage Boards, industry-wise and region-wise should be set up immediately. The Government of India should declare their policy with regard to fair wage and profit-sharing. He was of the opinion that if for want of personnel the production and Works Committees were to be the same, the deliberation of the Production Committees should be separately conducted and that in the interest of peace, the representatives union should always be guiding the Works Committees. He suggested that since the employers had failed to fulfil their responsibility for housing, the Government should step and get the neccessary funds from the employers and instead of mere promises, Government should actually provide houses to the Workers.

On being requested by the Chairman, Mr Shanti Lal Shah repeated the I.N.T.U.C's recommendations with regard to Profit-sharing. He argued that the reserves of industry belonged both to capital and labour and as such, in the absence of any guiding principle, the built-up reserves should be divided half and half between Capital and Labour. He stressed that Government should take into consideration the capital structure of each industry, the time which it would take to earn its return and any other factors likely to be of interest to the national as a whole in order to induce the capitalists to invest and the labour to work. He suggested that payment to labour should be made partly in cash and partly in schemes of Social Welfare and in the case of Capital in industrial improvements. A constant attempt should, however, be made both by Government and capital and labour to bring the Wage to a living wage level. He stated that the profit-sharing scheme should be made applicable to profits declared and justifiable after 1st January, 1948, because that date would be as near as possible to the date when the Resolution was passed and that many of the limited concerns made up their accounts on the 31st December. Quoting a passage from the Resolution of the Industrial policy, he stressed that labour's share in the profits being on a sliding scale varying with production should be understood to mean that the share payable to Labour would be distributed to Labour inter se according to production. Referring to the All-India Organisation of Industrial Employers' Resolution circulated to the members, he hoped that the omission of workers' representatives from the machinery for determining fair return on capital was only a slip and not intentional. He requested the A.I.T.U.C.

to state clearly whether they had accepted the Resolution or not and deplored the attitude taken by them. He signified the acceptance of the Resolution in toto by the I.N.T.U.C. He agreed with Mr. Chatterjee that a notice of 14 days should be given by non-public utility concerns. He further suggested that when a Union was willing to go to Conciliation or Arbitration, the Conciliation or Arbitration machinery should be most expeditious.

Sri Ardeshir Dalal said that although the employers were ever willing to implement the Truce Resolution, the response from the other side was poor and in most cases it had been a history of concessions on the part of the employers and rising demands, aggress-ion and even violence on the opposite side. He also argued that some of the Provincial Governments were very weak in dealing with strikes. Referring to the American and Russain economic Systems, he pointed out that the right to strike was not allowed in either of these systems. While agreeing that the system of mixed economy followed by the Government of India, under which both the Capitalist as well as the nationalised systems could be worked side by side, was wise. Referring to the Government Resolution on the industries he expressed the opinion that it was not a charter of unlimited exploitation by the industries but it was rather the complaint of the industries that some industries had been wrongly included in the list and that if within ten years the industries were going to be nationalised, the advent of capital into industries and their expansion would stop. He emphasised that apart from ~~particula~~ patriotism, knowledge and experience were required. Referring to the I.N.T.U.C.'s Resolution, he agreed that the Industrial Legislations enacted in Bombay could give a lead to other provinces and Government should accept the Resolution. He did not think that the Central and Regional Wage Boards would be the proper means of laying down the principles for the determination of minimum and fair wages and sharing of profits etc. He felt that the suggestion of restricting Managing Agents' Commission to only Rs. 50,000 per year was extremely inadequate, considering the work, risk and sacrfice of the Managing Agents. He contended that after getting wages etc. labour should not claim anything as a matter of right and that if in any undertaking Government found that the average return on capital was in excess of what was regarded as proper, then it would be right and proper to give labour a share in that profit. He agreed with Mr. Joglekar that wages for labour should be fixed on a fair basis, and the fair wage should be determined by a Committee. He disagreed that the maximum return to capital should be only 7½ per cent and stressed that it should not only be fair to the old share-holders but it would also be an incentive to others to put in their money.

Mr. Gandhi re-iterated that his organisation wanted to have planned production and planned distribution and argued that while Government had come out with planned production, they had left distribution to the whims of the dapitalists. He expressed the opinion that the policy of decontrol had adversely affected the workers, the middle class employers and agricultural labour and prices were going up. He felt that Government's policy was responsible for the general deterioration of workers' conditions. He urged that until a fair wage was fixed by either the Wage Board or some such body, Government should issue a categorical statement that whatever fair wage be fixed would be applicable with retrospective ~~effective~~ effect from the 15th December, 1947, (as in the case of Pay Commission's recommendations) so as to create confidence in the minds of the workers. He

expressed regret that nothing was done about housing inspite of so much discussion on the subject in the past, specially the resolution of the ninth Standing Labour Committee. He urged that Government should immediately state what they were going to do and what the provinces, the local bodies and the employers were required to pay and should pass the necessary legislation to get suitable sites and that if steel and cement were difficult to get, ordinary houses made of bricks could be erected. He pointed out that the workers went never on strike merely for the sake of striking but because they had no other alternative. If the industry was nationalized the question of profits would not arise but if the State allowed the industry to have profits, the workers must have a share in them. Referring to Sir Ardeshir Dalal's contention that a Central Committee of 20 would be too large he explained that that Committee should consist of 60 members; 20 each from workers, employers and Governments so that in each of the 5 or 6 National Committees there could be 10 to 12 people. He suggested that in the fitness of things the Central Committee should be more or less permanent and meet once in two months, the National Committee meeting once every month.

Mr. Parekh suggested that since different organisations were putting out their own interpretation of the Resolution, it would be better if there was a generally accepted connotation of the Resolution in all minds. Drawing attention to clause (2) of the Resolution, he pointed out that the machinery contemplated was a tripartite one and as such as the suggestion that it should be bipartite would be contradictory. He pointed out that so far, the question of remuneration to labour was being considered as cost of production to capital and that to labour as an incentive to production but the Truce Resolution for the first time considered both as cost of production. By accepting the Resolution the traditional outlook of industry had been discarded and that was the spirit which, if accepted, would bring labour and capital together. As regards Works Committees, he suggested that the most democratic and reasonable method would be to give the workers themselves the right to elect their representatives and since both the Work's Committees and the Production Committees would have to be one and the same it would be still better to have the [the A.I.T.U.C.'s suggestion that the fixing of fair remuneration for capital and for labour, (election on the basis of shops or depts associated with the) expert opinion should be associated.

The Hon'ble Mr. G. L. Nanda explained that a truce meant that the parties had come to an agreement by which they were required to sacrifice some of their cherished views. He pointed out that in the present case Government had very positive obligations, namely, settling up of a uniform machinery as far as possible, relieving the shortage, the quick determination of fair wages etc and that the employers' obligations followed from these. The workers' obligations, however, would be more or less negative. He stressed that there should be a specific machinery for the purpose of determining violations of the truce and taking due action regarding them. He agreed that the Works Committees should be set up on democratic lines.

Pointing out that the question was one of determining a fair wage and not a living wage, he said

that if a living wage was guaranteed, the worker would leave it to the State to deal with surplus profits. He requested the employers to keep in mind that so long as complete nationalisation was not there and so long as they were to remain, they should not charge too high prices.

Mr. S. P. Jain regretted the attitude taken by certain Unions in regard to strikes and alleged that many of the Provincial Governments took no action whatever to avert strikes even when approached by employers. He expressed the opinion that the Truce Resolution would be possible only if the various parties had a sense of responsibility. He suggested that before resorting to strikes labour must think of the interest of the consumers. He was of the opinion that before setting up the proposed machinery care should be taken to see that it did not become cumbersome, unwildly and complicated. He felt that the method of election of representatives to Works Committees should be more democratic but was opposed to the idea of having more than one Union in an industry. He argued that in determining fair wage and fair remuneration of capital, the ministries of Finance, and Industry and Supply, and the employers should be associated, but Labour representatives should not be there. He warned that if the basis of remuneration on capital was not fair, the industries might be wiped out. He therefore, urged that the matter should be discussed at the highest expert level.

Mr. Shantilal Shah enquired whether in fixing wages capital was to be consulted or not.

Mr. S. P. Jain replied that Mr. Nanda had stated that that was a job for the experts. He stressed that the definition of capital would have to be fixed in a manner which would represent the real value of the capital and not the imaginary value as could be seen from the various balance sheets.

Prof. Shibban Lal Saxena suggested that if real industrial peace was wanted then an attempt should be made to maintain a single organisation of Labour. He pleaded that arrested leaders should be released in order that they could also be of some help in the truce. He hoped that the proposed machinery would be put into action soon and that the conditions laid down would be fulfilled so that the very possibility of strikes would be removed. He did not feel happy about the Industrial Policy of Government and stressed that those industries where there were enormous profits should be nationalised and the workers should get a better living wage and that there should also be an equitable distribution of profits. He was happy that the Works Committees would be set up by election and that Government had promised to build a million houses within the next ten years. He was of the opinion that the question of sharing of profits should be considered by an Expert Committee and said that the balance sheets should be properly examined since they were not always reliable.

Mr. Kajrolkar was glad that the industrialists of Maharashtra had passed a Resolution at Poona on the 19th April, 1948, offering the workers a share of 50% in the profits accruing to the industry after making provision for the Wage Bill, 6% continuous dividends on the capital invested, management, ⊗ He hoped to be able to surmount the differences with the workers in the larger interests of the nation.

⊗ expenses, Sakahin to Govt and Dev.

Truce Resolution Works Committees and Production Committees were also to be set up. He hoped that be kept in water tight compartments so that there would be no overlapping of functions of these Committees. Referring to Mr. Sen's suggestion that Government should go slow in regard to Profit-sharing, he pointed out that in Bombay the position was the same as in Central Province. Quoting certain facts and figures, he felt doubtful about the expansion of industry with little or nothing left as return on capital. He agreed with Mr. Shah that even in ordinary 'concerns' there should be 14 day's notice for strikes. He was of the opinion that the Industrial Disputes Act should be further amended so as to provide that there must be resumption of work before the adjudicator starts on the job.

Mr. D. C. Dass pointed out that the employers in Assam had agreed to have Works Committees in some selected industries and hoped that these would soon be extended to others. He further pointed out that a large ~~m~~ number of employers and employing organisations had already agreed to give improved housing facilities to workers. He stressed that a spirit of mutual help and understanding was needed from both the employers and workers.

The Chairman felt happy that all the parties had accepted the Resolution. He made it clear that Government had never the idea, at the present stage, to limit profits or dividends because so long as Government were not going to eliminate private enterprise altogether there must be some incentive for private enterprise to invest their capital in industry. Although Government stood for nationalisation, due to certain limitations, the employers had been given a period of ten years. He, however, pointed out that a very vast field for private enterprise ~~s~~ was left open and did not, therefore, quite see why the employers should complain that by giving a life of ten years, Government would make capital shy in coming into the industry. He pointed out that the profit-sharing Government did not mean limiting dividends or profits but if the employer was in-efficient, he would have to be satisfied with whatever percentage of profits might be fixed. He assured the House that all points raised by the various parties would be examined by Government, but made it clear that the suggestion that the question of determination of fair wage and fair return on capital should be examined by three Departments of the Government of India was unnecessary since all policy questions were discussed by all the Departments first and then a decision was reached and as such that vital question would certainly be discussed by all the departments concerned. He was glad that the machinery proposed by Government was generally accepted and explained that when the Advisory Committee was thought of, Government thought of a Committee of expert industrialists and economists to examine the matter in detail. He promised immediate action in regard to setting up the necessary machinery and the collection of data. As regards housing, while refraining from going into causes for the delay he pointed out that one of the main difficulties was that the cost was to be met by many parties, e.g., the Central and Provincial Governments, employers, local bodies and labourers. He said that the matter would be ~~possible to announce~~ what Government discussedat the Labour Ministers' Conference and thereafter it would be possible to announce what Government were going to do.

during the next 12 months. He appealed to all for co-operation and wished that workers instead of being represented by others were actually present themselves. He, however, warned that the workers might have to be asked to share accommodation with their colleagues. He wanted to establish the principle that the workers were as good and as indispensable in running an industry as the Capitalists. He concluded by appealing to both the sides to observe industrial truce in letter and in spirit.

Mr. Joglekar pointed out that the Chairman's speech might convey some wrong impression about the acceptance of the Resolution by the A.I.T.U.C. and made it clear that his organisation had accepted it only in so far as social production was concerned. He drew attention to the resolution adopted unamimously at their meeting held at Calcutta on the 25th and 26th and 27th February, 1948 and re-iterated that it was not possible for them either to accept or not to accept the Industrial Truce Resolution and although they accepted the need for increased production, they held the opinion that the Resolution was vague.

Item III - -- Report on the Activities of the D.G. of R. & E.

Mr. P.R.K. Sharma said that Employment Exchanges were very necessary for modern society and specially in India on efficient Employment Exchange organisation had become all the more necessary after the War. He pointed out that although India was one of the earliest countries to adopt the Internationa Convention on Employment Exchanges which was adopted as early as 1919, she could set up Employment Exchanges only during the War. He was of the opinion that the Employment Exchanges were serving the objects for which they were established and would be very useful. He suggested that the Sub-Regional Employment Exchanges should be more active and their Advisory Committees should meet oftener. There should be complete co-ordination between the Provincial Committees and the District Committees and steps should be taken to make the private employers more Exchange-minded. He felt that the Exchanges could be profitably utilized only if there was proper co-ordination between the Central and the Provincial Organisations and suggested that their continuance should be unanimously accepted.

Mr. Gandhi expressed the opinion that within a short period of 3 years the organisation had done very useful work and that with suitable alterations, it would be able to put in much better results and to serve the workers to a greater extent. He felt that there should be public Employment Exchanges which could help workers wanting jobs and employers wanting men by bringing them together and thus eliminated the middle-men and the contractors. He suggested that the employers should submit all their demands to the Exchanges and in order that there may not be a vaccum after the expiry of the present tenure of 5 years and the staff appointed might feel secure, the organisation should be made permanent. Drawing attention to the Resolution passed at the last meeting of the General Advisory Committee that the Provincial Governments and the Government of India should take steps to open at least one employment office in each revenue district, he hoped that that resolution would be accepted by the Government of India so that it would not be difficult for the workers to use them and they also might have not have to run great distances to register themselves. He further hoped that the Government of India would keep in each

revenue district a sufficient number of mobile vans so that people in the round-about towns wanting to register themselves could be contracted. He said that the Exchanges should not send any men to any employer who offered less than Rs. 30 p.m. The local municipalities and other semi-Government organisations where the wages were low should be asked to take immediate steps to raise the standard of wages and that if the employers made any stipulation that the workers in technical or skilled jobs should belong to a particular community, no worker should be supplied. He was of the opinion that the training given to workers should be on uniform lines, supervised and co-ordinated centrally and planned and organised on a National basis, the Provincial Governments taking over the training centres after the completion of the training of ex-servicemen and refugees. The Central Institute for the training of the craftsmen and instructors should be made permanent.

Mr. P. Venkatrao regretted that the Government had not made up their mind regarding the future of the Organisation which was a vital problem. He was of the view that the employment service should be retained and its scope extended to all categories of workers, especially because the number of unemployed and half-employed was of the order of two crores and it was the primary duty of the State to find employment for its citizens. He stressed that there should be an Employment Exchange in every district, and Government should pass an order that some unemployment allowance should be paid to all registered applicants till they got suitable jobs and that the employers should be asked to contribute towards the maintenance of the Exchanges which were serving them as well. He also suggested that the scope of the training centres should be extended so that a large number of people could be trained and Government should provide capital to the trainees at least on the principle of getting it back by instalments. As further proposed that co-operative institutions should be started, as in Madras, to absorb the trainees at the earliest opportunity.

Mr. S. P. Jain quoted the figures of employment seekers and those provided with employment and suggested that the Exchanges should keep notes of the professions or of the business which the people, who had registered themselves but were not provided with jobs were carrying on since that information would be helpful in the future development of the Exchanges.

Mr. N. Das expressed his gratitude to the members for their valuable suggestions and for the general feeling of the Conference that the organisation had done such valuable work and had such potentialities of doing further valuable work that it should be made permanent. He pointed out that although the training and apprenticeship of craftsmen for industry was a Provincial subject, the Government of India felt, as had been stressed by the Advisory Committee on Technical Training, that there should be some degree of Central co-ordination, guidance and inspection. It appeared that the Conference was of the same opinion. He pointed out that the Government of India wanted that the Provincial Governments and the industry should realise the need for having a Central Technical Institute for the training

of Instructors. He concluded by assuring the house that the various points raised would be borne in mind and discussed at the meetings of the Central Employment Advisory Committee.

Mr. Sundaram pointed out that since the supplementary note on the item on the Agenda was handed over to him after he reached Delhi, it would not be possible for him to commit his Government.

Mr. S. R. Bose pointed out that he could not consult his Government in the matter.

Ir. Prithivi Singh Azad's Suggestion that the question should be discussed by the Labour Ministers was accepted.

Item VI --- Implementation of the Industrial Statistics Act, 1942

Mr. Elkins refuted the charged that the employers were backward in the matter of statistics or that they were not statistically minded, especially because the whole of their business consisted of keeping the closest records. He felt that the statistics which the employers were supplying to various bodies were in many cases ~~are~~ duplication and as such it would be better if all the information which was being submitted by them were sifted and correlated so as to ensure that the data supplied were being utilized and that thereafter there would be no difficulty in the regulation of the figures submitted to Government. He urged that on the Government side also there should be trained statisticians who would be able to detect ~~errors~~ in the returns submitted. Referring to the forms circulated by Government, he suggested that instead of manshifts" it we should be "man-hours" in all of them.

Mrs. Shanta Mookerjee suggested the inclusion of cost of living index as one of the headings under which statistics should be collected and that considering the importance of the index it should have priority over other headings. Referring to the defects in the existing indices, she stressed that there should be a Committee of experts on which labour should also be represented to consider the items to be included before cost of living indices were decided to be compiled and that the Government should have these indices for every province, different regions having different indices too. She felt that items like indebtedness, housing etc., should also be the other headings under which statistics should be collected. She wanted to know the form in which statistics regarding Industrial Disputes were being collected at present voluntarily and stressed that all statistics collected should be as accurate and uniform as possible and that Government should lay down a standard which should be applicable to all the Provinces and States. She agreed that the primary compilation of staistics should be done by the Provinces under the directive of the Centre. Referring to the Forms, she suggested that in Form A as under heading 3, information should be collected separately for men, women and children and that the returns regarding hours of work and earnings (Form B) should be monthly instead of quarterly, particulalry for the major industries. With regard to weekly holidays to the workers employed in Tramways, Motor Transport etc, she did not appreciate the necessity of the information in a monthly return. She also suggested that statistics regarding spread-over should be collected and that the statistics should be printed and published immediately after they had been compiled and a provision should be made in the rules to that effect. She wanted an assurance from Government that the proposal would not be shelved and that immediately a definite plan

would be evolved to bring the scheme into effect.

Mr. Sundaram pointed out that the present staff for the collection of statistics was wholly inadequate and made it clear that if the co-operation of the Provincial Government was required, adequate financial assistance must be forthcoming from the Government of India.

Mr. Bose agreed that it was desirable to utilize the Act for the collection of Labour statistics but made the following comments regarding the suitability of the Forms drafted:-

(a) It should be clarified whether statistics were meant to be collected only from Factories registered under Section (2)(f) of the Factories Act or those under Section 5 also were also to be covered.

(b) The return in Form A could be collected quarterly but it should contain the figures for each

(c) Form No. I for the Factories.

The words "the first working day of the month" should be substituted for the words "the first the month" in the item 3 and the definition of working days should be clarified. He doubted whether figures of absenteeism due to sickness would be quite reliable. Referring to Form B for factories, he suggested that clear instructions for the classification of industry should be given. He did not see much point in distinguishing between boys and girls in item 5 and suggested that the words "or proposed to be made" in item 8 should be omitted. He proposed that the procedure to be adopted for the wage period which varied for different categories of workers in the same factory should be laid down in instruction (a). He felt that instructions (f) and (g) were not very clear. He agreed that the States should also co-operate in the collection of statistics. He, however, pointed out that without knowing what part of the cost would be borne by the Government of India and what part by the Provincial Government, it would not be possible to make any definite commitment.

Seth Sankarlal Balabhai welcoming the proposal pointed out that the suggestion of Mrs. Mookerjee for monthly returns would be difficult to accept and agreed to Governments suggestion for having quarterly returns would be. He suggested that item 16 in Table (b) should be sub-divided into basic wages, overtime wages, allowances and other payments. Referring to the explanatory note, he urged that bonuses should not be excluded. He further suggested that there should be a provision for a separate column, viz., "Houses where provided" or "Rent-free quarters provided" or "Concessional rents provided" and that allowances like Cycle allowances and clothing allowances should also be included and provision should be made to include free medical services.

Mr. Parekh referred to the fact that attempts of some of the Provincial Governments for collecting statistics from the employers had failed and suggested that the employers should be made to understand the utility of correct statistical information. He agreed that the States should also come in.

~~that the States should also come in~~

Mr. Swaminathan said that the Govt. Government recognised the importance of statistics and accepted the responsibility for collecting the required information and to bear the cost as much as possible.

Mr. Shanti Lal Shah referring to the absence of standardised occupational nomenclature pointed out that the Ministry of Labour in England had got a dictionary of Industrial occupations which would be useful.

The Chairman replied that the Government of India had also compiled one.

Mr. Shantilal Shah suggested that contract labour should be included in the statistics supplied. He was against inclusion of the capital employed in the industry should also be there.

Mr. Bose suggested that maternity leave and maternity benefit should be added to the list of items of employment and unemployment and that statistics regarding the number of women of child-bearing age attending one particular industry, the number of women unattached, the number of women supplementing their husband's income and the number of women required to support children should also be collected.

dwellings should be included in the items. He agreed with Madras and Bihar that if the Provincial Governments found that they were unable to finance an elaborate statistical machinery they would have to come up to the Government of India for financial assistance. He agreed with the I.N.T.U.C. representative that the working out of the cost of living index for the whole of India and its compilation should be done centrally on a uniform basis. He suggested that in Form A in Columns 5, 6 & 7 both man-shifts and man-hours should be included and that in Form B, overtime wages dearness allowances and other similar allowances should be given in separate columns.

Mr. N.S. V. Iyer suggested that some means should be devised whereby duplication of information could be avoided. He suggested that a sub-committee should be set up which should draw up the forms keeping every Act in mind and then an Officer on Special Duty should be appointed to contact all the persons concerned and finalise the forms after amending them in the light of the commemts of the persons contacted. He did not think that any useful purpose would be served by discussing the forms at the Conference.

Mr. S. K. Chatterjee pointed out that the West Bengal Government were already entertaining a fairly large staff for the collection of labour statistics and that they did not share the pessinistic view of Mr. Iyer. He said that the States should also co-operate in the collection of statistics and agreed with the Government of India that in order to obviate the delay involved in Central compilation it would be necessary to have the statistics compiled primarily at the Provincial head-quarters. He made it clear that the West Bengal Government would not grudge the cost involved.

Mr. Bhashyam agreed that the responisbility

for the primary compilation of statistics should be with the Provinces and the States and made it clear that the Mysore Government would not require any financial assistance in the matter. He did not think there was any point in going into all the details of the forms at that stage.

Prof. N. C. Ranga stressed that information regarding agricultural labour had also get to be studied by the Statisticians. He pointed out that in the absence of necessary information regarding wage conditions and employment conditions of agricultural labour it would not be possible to administer the Minimum Wages Act and the Employees' State Insurance Act efficiently. He hoped that the Central Government woul extend the Act to Agricultural labour at an early date or bring in a new Act

Dr. B. B. Seth ~~att~~ stated that he did no think his Province would have to approach the Central Government for financial help. He suggested that absenteeism, both voluntary and involuntary, should be added to the list of items. He presumed that the Central Government would themselves be responsible for collecting statistics in respect of Central undertakings and suggested that a copy of all such statistics should be made available to the Provincial Governments. Referring to item 7 of Form A, he suggested that details regarding absenteeism due to shortage of raw materials, break down of machinery and other causes beyond the control of employers and employees should also be collected particularly in view of the fact that such causes were becoming important points of dispute.

Dr. Ramamurthi assured the House tha he would keep the various suggestions in mind and pointed out that the Forms would very soon be sent to the various Statistical Officers for their final approval. He pointed out that the statistics proposed to be collected were to be collected under the method known as "Establishment Reporting," i.e., what could be obtained from the employers, and that in drawing up the forms, the registers prescribed by the Bombay Millowner's Association were taken as the ideal and that only those statistics which the employers could easily furnish from their muster-rolls and pay payment registers would be collected in the first instance. He further pointed out that under the Government of India Cost of Living Index Scheme some 28,000 family budgets had already been collected from some 28 centres on uniform lines and that cost of living indices were being compiled, those for 3 centres being ready. He also stated retail prices for 44 urban centres and 15 rural centres, 16 plantation centres were also being collected, and that proposals for housing, cost of living indices for some additional centres were being worked out. Referring to the suggestion that the returns should be scrutinised to see that they were accurate, he pointed out that the matter was discussed at the Inter-Departmental Committee for statistics which recommended that Provincial Governments should be equipped with a proper statistical section with trained staff and that was the reason why it was suggested that the compilation should be done by the Provinces. He argued that when statistics were being collected, it would be better if they were collected so as to be in conformity with the Convention No. 63 of the ~~Indian Labour~~ International Organisation. He also pointed out that before drawing up the forms, Government had studied what was being done in

some of the Provinces and that the scheme was evolved by pooling the experience of the various Provincial Organisations.

The Chairman pointed out that in the various departments of the Central Government there were Statistical Sections and attempts were being made to co-ordinate the activities of the various statistical sections. It might be possible to form a Central Statistical Section. He hoped that in that case most of the objections raised by Mr. Iyer would be obviated

Item VIII Decasualisation of Labour in main industries.

Shri Pr. M. K. Sharma said that the problem of recruitment of Labour had not received the close and careful attention it deserved. Referring to the system of "Badli" labour in the textile mills in Bombay, he pointed out that it was a much abused system and that although such workers were doing as much work as permanent men, they were denied certain rights and privileges enjoyed by the permanent staff. He demanded that the system of casual labour should be done away with, especially in dockyards and in the harbours and similar other industries. He agreed that the scheme of decasualisation prepared by the Bombay Government was sound. He pleaded that the system of "badlis" casual labour an temporary and contingent labour should go and whether the workers had work for twenty-four days in the month or not, they should be taken care of and given the same wage conditions as others, and when they had put in a minimum number of days of work, they should get all the privileges regarding leave, provident fund, gratuity, holidays etc; like the permanent workers. He concluded by saying that the Bombay scheme should be adopted not only by the textile employers but other employers and Government.

Mr. Gandhi supported Mr. Sharma and felt that the scheme could be put into operation in other industries as well by suitable modifications. He said that if the objectives were to be achieved it would be possible to do so only by making the scheme compulsory and not leaving it to voluntary agreement between the workers' and employers' organisations. He felt that it was very unfair not to give the workers any waiting allowances but to ask him to present himself at a mill gate every day and stressed that the necessary adjustments should be made to provide work to the workers at least for a few days in the month. He did not consider it necessary to have information regarding the name of the relative in a particular mill in clause 13 of Appendix I. Referring to question 16 viz., membership of union, he was of the opinion that instead of having the name of the Union it would be enought if the worker simply stated if he was a member of a trade Union or not. The question regarding Religion and Caste of the worker in Appendix III should be dropped. Dealing with the scheme and preparation of badli registers, he argued that once having taken a worker on the roll and then to throw him out would not be a proper thing.

Mr. N. S. V. Aiyar enquired whether the scheme was going to be introduced on a voluntary basis.

The Chairman replied that there was an understanding that at the initial stage the scheme would be on a voluntary basis.

Mr. Aiyar felt that there was a good deal of misunderstanding about the scope, extent and result of the "badli" system and stressed that so far as the Cotton Textile Industry was concerned, the "badli" system should not be interfered with and that it was not necessay to try the decasualisation scheme there. He further stated that the scheme could be tried in some other industry and if found successful, the desirability of applying it to the Cotton Textile Industry would be considered.

Mr. Joglekar could not understand why there should be so much objection to the scheme from the side of the millowners, particularly because the scheme was proposed to be introduced on a voluntary basis, and no payment was to be made as waiting allowance. He expressed dis-satisfaction with the scheme and expressed the opinion that it must be put on a scientific basis from the very outset.

Mr. Dravid (Bombay) pointed out that when the scheme was discussed at the Bombay Labour Advisory Board where the employers were duly represented, it was agreed unanimously that it should be tried out and put into effect forthwith in the Textile Industry. He was, therefore, surprised at the remarks of Mr. Iyer Dwelling upon the merits of the scheme, he pointed out that it would not merely be in the interests of labour but it would also help industry in reducing the size of the unemployed at any given time by having a common pool for all the vacancies in all the Mills. He said that the suggestions regarding modifications of the form would be acceptable to the Bombay Government and that the deletion of the name of the Trade Union would be considered.

Item IV --- Action taken on previous decisions of Indian Labour Conferences and Standing Labour Committees.

Mr. Jatin Chakaravarthy felt that the memorandum on the subject left ample room for constructive criticism and sufficient scope for improvement. He did not feel happy with what was given in the memorandum on subject No. 1 regarding Orissa, United Province, Baroda and Indore. Referring to subject No. 2 he pointed out that it appeared that there was a lack of seriousness on the part of the Provinces in carrying out the decisions of the Conference. Making special reference to West Bengal regarding collection of labour statistics, he pointed out that although Mr. Chatterjee gave a long list of different heads under which statistics were being collected according to subject No. 3 only family budget enquiries were in progress and no statistics regarding wages and earnings were being collected and that the Judges of the Tribunals did not get the benefit of the Statistical Bureau and had to reply on his organisation for statistical date. Referring to subject No. 5, he proposed that it should be laid down that rules should be finalised within 4 months of the passing of a legislation. Subject No. 6 was very vague and he said that there should be more tables on the subject in the report. He was of the same opinion regarding subject No. 11 and in regard to subject No. 14 he thought that several references were unnecessary. He pointed out that although it was decided in one of the Tripartite Conferences that payment

should be made for involuntary unemployment no reference to it was made in the report.

The Chairman replied that it was being paid at least in one industry and might be paid in others also.

Mr. Gandhi suggested that the report should contain some definite statistical information. He wanted to know the reasons why the fair-wage clause about which a recommendation was made in 1943, the Industrial Statistics Act which was passed in 1942, and the Standing Orders Act of 1946 were not implemented and suggested that the Report would be appreciated if it would contain information regarding the number of concerns in each Province which had adopted the Standing Orders and of those which had not and that it should contain every detail. He suggested further that the Government of India should ask the Provincial Governments to collect statistics regarding the number of cases in which work was stopped and workers could not get employment, the number of concerns and factories in which the workers had been able to get the relief for involuntary unemployment.

Mr. Shanti Lal Shah drawing attention to the replies regarding the possibilities of Welfare Trust Fund for Industrial employees felt that they were mostly discouraging possibly because the employers were under the belief that they would be out of pocket. He suggested that the Fines Fund which was being collected under the Payment of Wages Act could be put into a Welfare Trust. Similarly the lapsed amount from the Provident Fund and the unpaid wages could also be put into the Welfare Trust Fund.

Mr. Ramanathan pointed out that in view of the undeveloped state of industries in Orissa, Labour problems in the Province had not assumed the same importance as in other provinces. With the accession of States, however, the problems had increased and the Provincial Government were developing a kind of Tripartite Committee on the basis recommended by the Government of India in the last Industrial Conference

Drawing attention to Mr. Shah's remarks regarding unclaimed wages Mr. Iyer pointed out that so far as the Bombay Cotton Mills were concerned, the unclaimed wages were going to a Welfare Fund.

Mr. S. R. Bose explained in detail the action taken by the Bihar Government in regard to housing. Referring to payment for involuntary unemployment, he pointed out that the Provincial Government had been trying their best when complaints regarding wagon shortage and consequent unemployment were received, to move the Government of India to place the requisite number at of wagons at the disposal of the firms and that where factories had actually closed down due to want of raw materials, fuel etc. The Provincial Government were guided by the circular issued by the Government of India regarding payment of compensation to the workers. He, however, pointed out that that circular related to conditions during War. It was stipulated that no compensation need be paid where sufficient notice could be given to workers and that

want of raw materials, fuel, etc., were covered, temporary unemployment due to break down of machinery being not covered. He hoped that the shortcomings of the Government of India's Circular would be removed soon. Referring to the difficulty of small employers in making payments, he suggested that each industry should introduce some kind of insurance scheme whereby in return for a certain premium paid by each factory or mill whenever they were compelled to shut down temporarily, sufficient funds could be made available from the Insurance Fund. Referring to the suggestion that the Fines Fund should be utilized for Welfare he app pointed out that in Bihar most of the industries had practically given up the method of punishment by fines.

The Hon'ble Mr. Bhashyam enquired what was intended to be done to see that the Provinces and States should come up to the mark.'

n replied that their default would be given publicity.'

The Chairman stated that the Central Government would appeal to their good sense.

The Hon'ble Mr. Bhashyam suggested that it would be better if the Centre pulled up the defaulting Provinces.

The Chairman assured the House that the various suggestions made would be kept in mind, especially Mr. Bhashyam's suggestion.

Item II -- A survey of the present position in regard to Works Committees.

Mr. Shanti Lal Shah suggested that it would be better if the election of the workers' representatives on the Committees was conducted by the Labour Officers of the Provincial Governments or the Central Government and that the Chairman of the Works Committee should alternatively be a person from amongst the representatives of the employees.

The Chairman pointed out that if the Labour Officers were to be present at the elections, considerable delay would take place in setting up the Works Committees and that was the reason why it was not provided in the rules. In reply to Mr. Gandhi's suggestion he pointed out that the setting up of Works Committees within a stipulated period of time had already been taken up with the various employing Departments.

Mr. S. K. Chatterjee pointed out that the rules for the constitution of Works Committees in West Bengal had been finalised and the elections were in progress and the Secret ballot method was being followed. He, however, wanted a directive from the Government of India as to whether the West Bengal Government was right in adopting the secret ballot method.

Mr. P. K. Sen said that in C. P. there were Works Committees working under the Central Act mostly in the textiles mills and one or two in the mines but the Provincial Act also provided for Works Committees,

the constitution of which was slightly different. He suggested that it would be better if both the employers' and workers' representatives came together and elected the Chairman.

Dr. Seth stated that out of 20 undertakings in which Works Committees were to be constituted, these had been formed in 13 and in the remaining 7 they would be constituted within about 10 days. He, however, apprehended some difficulty in their actual working because of the vagueness of their functions and stressed that something should be done to clearly define them.

Mr. S. T. More pointed out that under the Bombay Act, there was a provision for Works Committee on a voluntary basis but in the amended Act in was compulsory

The Chairman thanked the members for the cordial way in which they had discussed the agenda. He said that the criticisms and suggestions on those items which were for information only had been noted and they would be examined and that such of them as were practicable would certainly be adoptedby the Central Government. Referring to item 9 he felt gratified that so as far as the machinery contemplated by the Government of India was concerned, there had been more or less unaninity. He gave the assurance that the Government would try their best to set up the machinery as early as possible to implement the various objectives laid down in the Resolution. He stated that there was complete unaminity on items 3, 6 and 8. Referring to the divergence on the stage at which provident fund should be introduced, he assured the employers that it was not going to be introduced soon although it would not be inordinately delayed. He appealed to all that it should be realised that it was a common effort that every one was engaged in and it should be the common concern of all to advance the condition of the common man in the country. Although it was not easy to envisage how long it would take to solve the problem of a planned production and rational distribution, he hoped that every one would agree with the laudable objective. He then dwelt upon the special merits of Tripartite Conferences and appealed to all to continue the spirit of frank and free discussions. He felt that if all the three parties discharged their duties and obligations not only to themselves or to their parties but to the society as a whole, much of the difficulties and disputes would be over. He again appealed to all that every one should have the idea that production would have to be increased, and every interruption to production would have to be averted so that the conditions of the working classes and the common man in the country could be improved.

Mr. Aiyar thanked the Chairman for the kindness, consideration and courtesy which he had received from him and the officers of his department. He felt sure that the interests of the employer, the worker, the State, the consumer and the country as a whole was safe in the Chairman's hands.

Seth Sankarlal Balabhai proposed a vote of hearty thanks to the Chairman and assured that he was quite prepared to work for the uplift of the common man in the country.

Mr. Shantilal Shah thanked the Chairman for the tact and patience with which he had conducted the pro-

ceedings and felt that the fact that the Industrial Truce Resolution was accepted by the House was a great achievement. He expressed the hope that the employers would behave as good trustees of the wealth of the nation and that they would not give cause to the beneficiaries to complain about the mismanagment of the trust placed in them. He concluded by saying that the I.N.T.U.C. would do their very best to increase production with zeal and jest.

Mr. Joglekar paid his tribute on behalf of the A.I.T.U.C. to the Chairman for the successful conduct of the Conference. He pointed out that the struggle of the down-trodden was a struggle against a system which had degraded humanity and that system had to be obliterated. He hoped that the Tripartitie method would be able to create confidence. He stressed that the administrators should view the complaints of the down-trodden not from the view of the technical limitations or the letter of the law but from a higher standard of social justice and equity. He assured that the A.I.C.U.C. would extend their fullest co-operation for achieving the desired objective.

Prof. Parekh associated himself with the sentiments expressed. He felt that the oustanding achievement of the Conference was that a decision on the Industrial Truce Resolution was reached.

Mr. Bhashyam expressed his sense of immense satisfaction and admiration at the very talente way in which the Chairman had carried through the programme.

The Conference then adjourned sina die.

/True copy/

Letter No. 122206 P IV/48-26, dated 29.7.1948

To.

The Secretary to the Government of India,
Ministry of Labour, New Delhi.

Sir,

Sub:- Ninth Indian Labour Conference - Summary proceedings.

Ref: Rai Bahadur Sadashiva Prasad's letter, No. L.C. 262(1) dated 13.7.1948.

..

I am directed to state that the Government of Madras have no alterations to suggest in the provisional summary of the proceedings of the Ninth Labour Conference sent with the letter cited.

Yours faithfully,

(Sd) x x x

True copy/

To A. S.

Please see the letter from the Government of India on p. 379 c.f. and the provisional summary of proceedings of the Ninth Indian Labour Conference on pp. 381-444 c.f. The Commissioner of Labour who attended the conference on behalf of this Government has no alterations to suggest to the summary of proceedings. The Government of India may be informed that this Government have no alterations to suggest in the provisional summary of proceedings. Draft is submitted.

(Sd) x x

/True copy/

(Issued as letter No. 122206 P IV/47-26, dated 29.7.1948)

To A.S.

The papers may be recorded in a G.O.

G.O. Ms. No.4538, dt.4.9.1948

Labour - Indian Labour Conference Ninth Session ~~penion~~ held in April, 1948 - Proceedings - Papers Recorded.

(Sd) x x
Secretary to Government

/True copy/

R. Thiagarajan
9.2.84
OFFICE ASSISTANT
MADRAS RECORD OFFICE

mr. 22.9.